

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

Title V
AIR QUALITY PERMIT
Issued under 401 KAR 52:020

Permittee Name: Berea College
Mailing Address: Rustic Road, CPO 2211

Source Name: Berea College
Mailing Address: Rustic Road, CPO 2211
Berea, Kentucky 40404

Source Location: Rustic Road, Berea

Permit Number: V-03-005 Revision 1
Activity #: APE20040003
Review Type: Title V Operating/Construction
Source ID #: 021-151-00006
Source A.I. #: 39053

Regional Office: Frankfort Regional Office
643 Teton Trail, STE B
Frankfort, KY 40601
(502) 564-5043

County: Madison

Application
Complete Date: February 8, 1999
Issuance Date: May 13, 2003
Revision Date: February 10, 2005
Expiration Date: May 13, 2008

John S. Lyons, Director
Division for Air Quality

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Rev #	Permit type	Log #	Complete Date	Issuance Date	Summary of Action
----	Initial Issuance	50603	2-8-99	5-13-03	
1	Minor revision	APE200 40003	1-20-05	2/10/05	Construction of 50 mmBtu/hr natural gas boiler –EU05

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**Overfeed stoker, coal-fired units equipped with mechanical collectors (cyclones)****Emission Unit 01****Description:**

Rated Capacity: 107.7 mmBtu/hour

Construction commenced: 1967

Emission Unit 02**Description:**

Rated Capacity: 71.8 mmBtu/hour

Construction commenced: 1969

APPLICABLE REGULATIONS:

401 KAR 61:015, Existing indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 mmBtu/hour and commenced before April 9, 1972

1. Operating Limitations:

Units are decommissioned with no permitted authority to operate. To obtain operational authority, units would have to demonstrate compliance with the requirements of 401 KAR 50:015 and 401 KAR 50:016, and submit a request for permit modification under 401 KAR 52:020.

2. Emission Limitations:

- a) Pursuant to 401 KAR 61:015, Section 4, particulate emissions shall not exceed 0.383 lb/mmBtu based on a three-hour average.

Compliance Demonstration Method:

Particulate Emission Rate = $[9 \text{ (lb/ton)*}] / [\text{coal heating value (mmBtu/ton)}]$.

* AP 42 1.1-4 (Replace with performance test emission factor)

- b) Pursuant to 401 KAR 61:015, Section 4 (3), emissions shall not exceed forty (40) percent opacity based on a six-minute average except for stoker fired indirect heat exchangers, a maximum of sixty (60) percent opacity is permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning the fire box or blowing soot
- c) Pursuant to 401 KAR 61:015, Section 5 (1), the sulfur dioxide emissions shall not exceed 6.255 lb/mmBtu based on a twenty-four-hour average.

Compliance Demonstration Method:

Sulfur Dioxide Emission Rate = $[38S \text{ (lb/ton)*}] / [\text{coal heating value (mmBtu/ton)}]$

* AP 42 1.1-3

S=% Sulfur

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**3. Testing Requirements:**

- a) Prior to reauthorization the permittee shall demonstrate compliance with the particulate emission limit within sixty (60) days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after start-up.
- b) When the unit is in operation, the permittee shall read, weather permitting, the opacity of emissions from the stack using EPA Reference Method 9 once per daylight shift.

4. Specific Monitoring Requirements:

- a) Pursuant to 401 KAR 61:015, Section 6 (6), monitoring of operations for sulfur dioxide emissions shall be conducted by representative sampling and ASTM analysis of fuel to be burned. The permittee shall perform representative coal sampling weekly; the samples shall be collected; and on a weekly basis a representative composite sample of the coal collected shall be analyzed using ASTM method(s) to test the coal sulfur content and heat content. Records of the fuel sampling and analysis and sulfur and heat content shall be maintained for inspection upon request by any duly authorized representative of the Division for Air Quality.
- b) In accordance with 401 KAR 61:015, Section 6 (3), the rate of each fuel burned shall be measured daily and recorded. The heating value and ash content of fuels shall be ascertained at least once per week and recorded.
- c) To meet the periodic monitoring requirement for opacity, the permittee shall comply with reading the opacity daily according to Testing Requirements, Subsection 3(b) of this permit. Excluding the startup and shut down periods, if any six-minute average opacity value exceeds the opacity standard, the permittee shall, as appropriate, initiate an inspection of the control equipment and boiler system and make any necessary repairs. If a Method 9 cannot be performed, the reason for not performing the test shall be documented.
- d) To meet the periodic monitoring requirement for particulate, the permittee shall assure compliance with the opacity standard reading by the opacity daily according to Testing Requirements, Subsection 3(b) of this permit. Excluding the startup and shut down periods, if any six-minute average opacity value exceeds the opacity standard, the permittee shall, as appropriate, initiate an inspection of the control equipment and boiler system and make any necessary repairs. If five (5) percent or greater of opacity data (excluding startup, shut down, and malfunction periods, data averaged over six minute period) recorded in a calendar quarter show excursions above the opacity standard, the permittee shall perform a stack test in the following calendar quarter to demonstrate compliance with the particulate standard while operating at representative conditions. The permittee shall submit a compliance test protocol before conducting the test. The Division may waive this testing requirement upon a demonstration that the cause(s) of the excursions have been corrected, or may require stack tests at any time pursuant to 401 KAR 50:045, Performance Tests.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements:

- a) Records of fuel usage, sulfur content, and heat content shall be maintained by the permittee.
- b) Records, including those documenting the results of each compliance test, shall be kept in accordance with 401 KAR 52:020 and 401 KAR 61:015, Section 6.
- c) Percentage of the opacity data (excluding startup, shutdown, and malfunction data) showing excursions above the opacity standard in each calendar quarter shall be computed and recorded.

6. Specific Reporting Requirements:

- a) The permittee shall report the fuel usage, sulfur content, and heat content.
- b) The permittee shall report the number of excursions (excluding startup, shutdown, and malfunction data) above the opacity standard, date and time of excursions, opacity value of the excursions, and percentage of the opacity data showing excursions above the opacity standard in each calendar quarter.
- c) The permittee shall report the number of excursions above the sulfur dioxide standard, date of excursions, value of the excursions, and percentage of the sulfur dioxide data showing excursions from emission limitation in each calendar quarter.
- d) See section F

7. Specific Control Equipment Operating Conditions:

- a) The multiple cyclone separators shall be operated as necessary to maintain compliance with permitted emission limitations, in accordance with manufacturer's specifications and/or standard operating practices.
- b) Records regarding the maintenance of the control equipment shall be maintained.
- c) See Section E for further requirements.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 03

Indirect Heat Exchanger (Boiler #1)

Description:

Natural gas-fired, high-pressure steam water-tube boiler

Rated Capacity: 52.4 mmBtu/hour

Construction commenced: 1975

APPLICABLE REGULATIONS:

401 KAR 59:015, New indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 mmBtu/hour and commenced on or after April 9, 1972.

1. Operating Limitations:

The unit shall combust only natural gas.

2. Emission Limitations:

a) Pursuant to 401 KAR 59:015, Section 4, particulate emissions shall not exceed 0.267 lb/mmBtu based on a three-hour average.

b) Pursuant to 401 KAR 59:015, Section 4 (2), emissions shall not exceed twenty (20) percent opacity based on a six-minute average.

c) Pursuant to 401 KAR 59:015, Section 5 (1), the sulfur dioxide emissions shall not exceed 0.827 lb/mmBtu based on a twenty-four-hour average.

d) These units are considered to be in compliance with the allowable SO₂, PM, and opacity limitations while burning natural gas

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The Permittee shall monitor the fuel usage on a monthly basis

5. Specific Recordkeeping Requirements:

Records of the amount of natural gas burned shall be maintained on a monthly basis.

6. Specific Reporting Requirements:

See Section F

7. Specific Control Equipment Operating Conditions:

NA

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

04 Wood Surface Coating Operation

Description:

Lacquer (0.425gal/hr), Thinner (0.075gal/hr), and Sanding Sealer (0.075gal/hr) applied to wood furniture.

Control Device: Four Baghouses (three indoor an one outdoor)

Construction commenced: January 1, 1980

APPLICABLE REGULATIONS:

401 KAR 59:010, New process operations, applicable to an emissions unit commenced on or after July 2, 1975

1. Operating Limitations:

NA

2. Emission Limitations:

a) Pursuant to 401 KAR 59:010, Section 3(2), particulate matter emissions into the open air shall not exceed $[3.59 P^{0.62}]$ pounds per hour based on a three-hour average where P is the hourly operating rate in tons per hour.

Compliance Demonstration: Particulate emissions shall be considered to meet limitations when control equipment is in operation.

b) Pursuant to 401 KAR 59:010, Section 3(1)(a), any continuous emission(s) into the open air shall not equal or exceed twenty (20) percent opacity based on a six-minute average.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The permittee shall perform a qualitative visual observation of the opacity of emissions from control equipment on a weekly basis and maintain a log of the observations. If visible emissions from control equipment are seen, the permittee shall determine the opacity of emissions by Reference Method 9 and instigate an inspection of the control equipment for any necessary repairs.

See Section F

5. Specific Recordkeeping Requirements:

Records of the monthly usage of lacquer, thinner, and sanding sealer as well as HAP and VOC content shall be maintained.

See Section F

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

- a) The baghouses shall be operated during all periods of surface coating to maintain compliance with permitted emission limitations, in accordance with manufacturer's specifications and/or standard operating practices.
- b) Records regarding the maintenance and operation of the control units shall be maintained.
- c) See Section E for further requirements.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Emissions Unit 05****Auxiliary Indirect Heat Exchanger****Description:**

Natural gas-fired unit

Rated capacity: 50 mmBtu/hr

Construction Date: December 2004

APPLICABLE REGULATIONS:

401 KAR 59:015, New Indirect Heat Exchangers, applicable to an emissions unit with a capacity less than 250 mmBtu/hr and commenced on or after April 9, 1972.

401 KAR 60:005, incorporating by reference 40 CFR 60, Subpart Dc, Standards of performance for small industrial-commercial-institutional steam generating units, for units less than or equal to 100 mmBtu/hour but greater than or equal to 10 mmBtu/hour commenced after June 9, 1989.

NON-APPLICABLE REGULATIONS:

40 CFR 63, Subpart DDDDD NESHAP Standard for gaseous fuel steam generating units.

1. Operating Limitations:

The unit shall combust only natural gas

2. Emission Limitations:

- a) Pursuant to 401 KAR 59:015, Section 4(1), particulate emissions shall not exceed 0.10 lb/mmBtu. The permittee may measure compliance with the particulate allowable by calculating the emissions using the following formula:

$$[(7.6 \text{ lbs}/10^6 \text{ feet}^3)(*) \div (1,030**)] \times 1,000,000 \text{ Btu/mmBtu}$$

* = Emission factor from AP-42 Table 1.4-2

** = Natural gas heating value in BTU/feet³

- b) Pursuant to 401 KAR 59:015, Section 4(2), emissions shall not exceed 20 percent opacity except that a maximum of twenty-seven percent shall be permissible for not more than one six minute period in any sixty consecutive minutes.

- c) Pursuant to 401 KAR 59:015, Section 5(1), the sulfur dioxide emissions shall not exceed 0.8 lb/mmBtu. The permittee may measure compliance with the sulfur dioxide allowable by calculating the emissions using the following formula:

$$[(0.6 \text{ lb}/10^6 \text{ feet}^3)(*) \div (1,030**)] \times 1,000,000 \text{ Btu/mmBtu}$$

* = Emission factor from AP-42 Table 1.4-1

** = Natural gas heating value in Btu/feet³

- d) These units are considered to be in compliance with the allowable SO₂, PM, and opacity limitations while burning natural gas.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE

REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The permittee shall monitor the amount of natural gas burned on a monthly basis.

5. Specific Recordkeeping Requirements:

The permittee shall maintain records of the amount of natural gas burned on a monthly basis.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

N/A

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Woodcraft	401 KAR 61:020
2. Parts washer that does not use halogenated organic solvents.	401 KAR 63:020
3. Laboratory/Classroom in building 15	401 KAR 63:020
4. Laboratory/Classroom in building 28	401 KAR 63:020
5. Pottery kilns, wood-fired by building 24	NA
6. Pottery kilns, gas-fired in building 42	401 KAR 61:020
7. Broom making/powdered dye in building 26	401 KAR 61:020
8. Photo labs in building 23 (3 labs)	401 KAR 63:020
9. Photo lab	401 KAR 63:020
10. Underground storage tank for gasoline With permanent submerged fill pipe	401 KAR 63:020
11. Underground storage tank for #2 diesel fuel	401 KAR 63:020
12. Parts washer that does not use halogenated solvents, building 24, industrial arts	401 KAR 63:020
13. Parts washer that does not use halogenated solvents, facilities management building	401 KAR 63:020
14. Parts washer, utilities shop	401 KAR 63:020
15. Emergency generator, diesel engine, in science building	NA
16. Emergency generator, natural gas engine, in Pearson dormitory	NA
17. Emergency generator, LP Gas, Engine, located in Ky. Talcott building	NA

SECTION C - INSIGNIFICANT ACTIVITIES (CONTINUED)

<u>Description</u>	<u>Generally Applicable Regulation</u>
18. Emergency generator, diesel engine, in Boone Tavern	NA
19. Emergency generator, natural gas engine, outside of Seebury Center	NA
20. Emergency generator, diesel engine, in power plant	NA
21. Coal handling system	401 KAR 61:020
22. Ash silo and handling	401 KAR 61:020

Note:

Coal-handling units/systems listed under insignificant activities shall not be used or operated until the coal-fired boilers have been tested and are in compliance.

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months
2. Particulate, sulfur dioxide and visible emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V) 1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the Cabinet Provisions and Procedures for Issuing Title *V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Frankfort Regional Office
643 Teton Trail, Ste B
Frankfort, KY 40601-1758

U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL PROVISIONS**(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
 - (a) Applicable requirements that are included and specifically identified in the permit and
 - (b) Non-applicable requirements expressly identified in this permit.
- (b) Permit Expiration and Reapplication Requirements
 1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
 2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:02+0 Section 8(2)].
- (c) Permit Revisions
 1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
 2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)**(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein, emission point 05 in accordance with the terms and conditions of this permit.

1. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
 - a. The date when construction commenced.
 - b. The date of start-up of the affected facilities listed in this permit.
 - c. The date when the maximum production rate specified in the permit application was achieved.
3. Pursuant to 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
4. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.
5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration (*test*) on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. ***These performance tests must also be conducted in accordance with General Provisions G(d)7 of this permit and the permittee must furnish to the Division for Air Quality's Frankfort Central Office a written report of the results of such performance test***

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.

(e) Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

SECTION G - GENERAL PROVISIONS (CONTINUED)

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.